

MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

FRED D. GRINNELL,

Defendant.

) No. CR16-5032-CVB

) FINDINGS AND ORDER ACCEPTING  
) DEFENDANT FOR DEFERRED  
) PROSECUTION, APPROVING  
) TREATMENT PLAN, AND  
) DIRECTING DEFENDANT TO TAKE  
) TREATMENT AS PRESCRIBED

THIS MATTER, coming on for hearing this 20<sup>th</sup> day of June, 2016 upon the defendant's Petition for Deferred Prosecution; the defendant appearing in person and by his attorney, Linda R. Sullivan, Assistant Federal Public Defender; the United States of America being represented by Barbara Sievers, Assistant United States Attorney; the Court, having examined and incorporated into the record Petitioner's Petition and Statement in support of deferred prosecution, the evaluation and treatment report prepared by Addiction Recovery Centers of the Black Hills, South Dakota, and the files and records herein, being fully advised in the premises, does now make and enter the following:

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**I. FINDINGS OF FACT**

A. On or about the 23<sup>rd</sup> day of October, 2015, Petitioner was charged with the offense/offenses charged in the Information. The offenses occurred as a direct result of alcoholism/chemical dependency problems;

B. Petitioner suffers from an alcohol/drug problem and is in need of treatment;

C. The probability of similar misconduct in the future is great if the problem is not treated;

D. Petitioner is amenable to treatment;

E. An effective rehabilitative treatment plan is available to Petitioner through Addiction Recover Centers of the Black Hills, South Dakota, that does meet the requirements of the RCW and does meet the RCW standard of an approved treatment facility that will abide by the laws of the State of Washington, and Petitioner agrees to be liable for all costs of this treatment program;

F. That Petitioner agrees to comply with the terms and conditions of the program offered by the treatment facility as set forth in the diagnostic evaluation from Addiction Recovery Centers of the Black Hills, South Dakota, attached to Statement of Petitioner filed herewith, and that Petitioner agrees to be liable for all costs of this treatment program;

G. That Petitioner has knowingly and voluntarily stipulated to the admissibility and sufficiency of the facts as contained in the written police report attached to Statement of Petitioner filed herewith.

H. That Petitioner has acknowledged the admissibility of the stipulated facts in any criminal hearing or trial on the underlying offense or offenses held subsequent to

1 revocation of this Order Granting Deferred Prosecution and that these reports will be  
2 used to support a finding of guilt;

3 I. That Petitioner has acknowledged and waived the right to testify, the right  
4 to a speedy trial, the right to call witness to testify, the right to present evidence in his  
5 or her defense, and the right to a jury trial;

6 From the foregoing FINDINGS OF FACT, the Court draws the following:

7 **II. CONCLUSIONS OF LAW**

8 A. That the above-entitled Court has jurisdiction over the subject matter and  
9 Petitioner Fred D. Grinnell, in this case;

10 B. That Petitioner's Petition for Deferred Prosecution meets the requirements  
11 of RCW 10.05 et seq.;

12 C. That the diagnostic evaluation and commitment to treatment meets the  
13 requirements of RCW 10.05.150;

14 D. That Petitioner is eligible for deferred prosecution.

15 **III. ORDER**

16 Having made and entered the foregoing FINDINGS OF FACT and  
17 CONCLUSIONS OF LAW, it is hereby

18 ORDERED that the defendant is accepted for deferred prosecution. The  
19 prosecution of the above-entitled matter is hereby deferred for five (5) years pursuant to  
20 RCW 10.05 et seq., upon the following terms and conditions:

21 A. Petitioner shall be on probation for the deferral period and follow the  
22 rules and regulations of probation;

23 B. Petitioner shall enroll in and successfully complete the two-year treatment  
24 program recommended by Addiction Recovery Centers of the Black Hills, South  
25 Dakota, according to the terms and conditions of that plan as outlined in the diagnostic  
26 evaluation, a true copy of which is attached to the Petition and incorporated herein by

1 reference. Petitioner shall not change treatment agencies without prior Probation  
2 approval;

3 C. The treatment facility, Addiction Recovery Centers of the Black Hills,  
4 South Dakota, shall file with the United States Probation Office status reports of  
5 Petitioner's compliance with treatment, monthly during the first year of the deferred  
6 prosecution period and every three (3) months during the second year. The Court may  
7 increase the frequency of these reports at its discretion;

8 D. Petitioner shall notify U.S. Probation within 72 hours of any residence  
9 change.

10 E. Petitioner shall abstain during the deferred prosecution period from any  
11 and all consumption of alcoholic beverages and/or non-prescribed mind-altering drugs;

12 F. Petitioner shall not operate a motor vehicle on the public highways  
13 without a valid operator's license and proof of liability insurance sufficient to comply  
14 with the state laws on financial responsibility;

15 G. Petitioner shall be law abiding and shall not commit any alcohol/drug  
16 related offenses or other criminal offenses during the period of deferral,

17 H. Petitioner shall notify U.S. Probation within 72 hours of being arrested,  
18 questioned, or cited by Law Enforcement;

19 I. In the event that Petitioner fails or neglects to carry out and fulfill any  
20 term or condition of his treatment plan or violates any provision of this Order or any  
21 rule or regulation of his probation officer, upon receiving notice, the Court shall hold a  
22 hearing to determine why Petitioner should not be removed from deferred prosecution  
23 and prosecuted for the offense/offenses charged;

24 J. In the event the Court finds cause to revoke this deferred prosecution, the  
25 stipulated police reports shall be admitted into evidence, and Petitioner shall have his  
26 guilt or innocence determined by the Court;

1 K. That the statement of Petitioner for Deferred Prosecution shall remain  
2 sealed, and all subsequent reports or documents relating to <sup>his</sup> her treatment information  
3 shall be sealed, to maintain confidentiality of Petitioner's treatment information;

4 L. That the Department of Licensing be notified of this Order accepting the  
5 Petitioner for deferred prosecution;


6 M. Upon proof of Petitioner's successful completion of five years deferral  
7 period in this Order, the Court shall dismiss the charges pending against Petitioner.

8 N. Additional conditions:  
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10  
11 DONE IN OPEN COURT this 20<sup>th</sup> day of June, 2016.

12  
13   
14 Karen L. Stombaugh  
UNITED STATES MAGISTRATE JUDGE

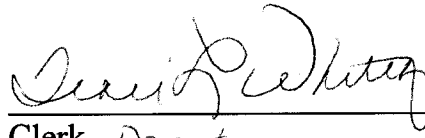
15 Presented by:

16   
17 Linda R. Sullivan  
18 Attorney for Petitioner

19 I have received a copy of the foregoing Order of Deferred Prosecution. I have  
20 read and understand its contents, and agree to abide by the terms and conditions set  
21 forth herein.

22  
23 Dated: 6.20.16   
24 Fred D. Grinnell  
25 Petitioner  
26

1 I certify that a copy of this signed Order was mailed to the subject treatment  
2 facility, on June 20, 2016. The United States Probation Office was also  
3 furnished a copy of this Order.

4   
5 Clerk, Deputy